Supreme Court, U.S.
FILED
AUG 2 - 2006
OFFICE OF THE CLERK

(1)

IN THE 06-193

SUPREME COURT OF THE UNITED STATES

WILLIAM SMITH (PRO SE)
Petitioner

V.

BANK OF AMERICA MORTGAGE F.S.B.
Respondent

On Petition For Writ of Certiorari To The

COURT OF SPECIAL APPEALS MARYLAND

PETITION FOR WRIT OF CERTIORARI

(pro se) William Smith
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QUESTIONS PRESENTED FOR REVIEW

(A) Nature of Supreme Court review, justice is blind, in this case courts many errs, in questions of law authority. Maryland circuit court, and appellate court harmful irregularity err, using rule 8-301 (a), rule 8-602 (a) (1). Allowing questionable technicality to over rule constitutional guaranteed justice, and to attack, Constitutional court, must presumed prejudice exist where a party constitutional guaranteed rights are violated, under due process and equal protection of law, court can not meet strict scrutiny requirements

(B) The Maryland Courts many irregularity errs to Due Process and Equal Protection, Amend. #5 and #14, Authority, on the Respondents own free will Express Waiver of Admission defense are in conflict with other jurisdictions on the same law, issues, all Elements of the standard principle of Constitutional Authority of good law. JUSTICE UNDER THE LAW

(C) Courts err in conflict with compelling Constitutional bill of rights guarantees to all of the American people, and their trust in their Due Process and equal protection, rational basis of strict scrutiny of all of their Constitutional guaranteed rights to Protect them always, from the petitioners (intrinsic fraud foreclosure) with justice for all the guilty must not go free. Justice under constitutional law of the land

(D) The Maryland Court errs must not punish the innocent petitioner, and Protect the guilty respondent from Constitutional justice Due Process in this Case.

(1) The Respondent own free will, is a legal Express Waiver of Admission defense of an Admission (plea), estoppel- standard principle of Constitutional law authority, over all Elements of the

whole complete case. Legally Filed and excepted in to U.S. Supreme Court Docket No.- 886 Jan-15-04 as law. Signed by Respondents legal Court (bar) Attorney of record, Edward H Robbins Jr. law office of Miles & Stockbridge Baltimore MD

(2) Respondent free will Express Waiver of Admission Defense estoppel-(bar) Authority demands this Case is now a ONE PARTY APPEAL.

(3) The Respondents of its own free will, with its Supreme Court (bar) attorney had full knowledge of the case, had full knowledge of the law, had full knowledge of the court Authority, had full knowledge of all of its risk, gave up all rights of appeal, all rights to dispute, to attack, to remove, to dislodge, or have any ONE act for defense of the Respondents free will.

(4) The Respondent Legal Express Waiver of Admission defense Authority has resolved all Evidence, all merits all Court err, to all Elements of this case, in the none filing (pro se) petitioners favor. The petitioner has no duty to defend the Legal Express Waiver. But can make the Court aware of its authority over the whole Case and all of its important Events, with in Due Process and Equal Protection Right.

(5) The Respondent Legal Express Waiver of Admission Defense Authority, is by Law an Admission to Sufficient fact, to Warrant all Courts to a finding of the Respondent as guilty of Admission as Charged under the standard principle of Constitutional Law Authority Maryland Courts by their many errs, or clearly requesting the supreme court finalize the respondent express waiver of admission authority, and resolve the constitutional appeal questions of due process and equal protection under the law of the land.

(6) Constitutional bill of rights as guaranteed demands, all courts must rationally by strict scrutiny, honor constitutional due process and Equal protection for all laws. Court err deprived petitioner of this right, in the petitioners favor as law. Respondents Admission defense must be finalize by a rational jurisdictional court, to end the Petitioners legal litigation, as the none filing party, under Constitutional standard principle of law, Due Process and Equal Protection.

COMPELLING REASON FOR JUSTICE

(7) Maryland circuit court, court of special appeals, court of appeals ERR were not legally correct, abandon, would not honor constitutional law, rules of law, standard principles requirements of law, use law in reverse of standard, and retaliated against the (pro se) petitioner for demanding to be heard properly on these rights of law.

EQUAL PROTECTION RIGHTS,

(a) The Maryland court, appellate courts ERR would not acknowledge, honor, respect, protect, and preserve the legal respondent own free will express waiver of admission of guilty (plea), estoppel-(bar).

(b) The Courts in err, can not be a party to any legal action, in which the Court sat in Judgment of. Court initiative is prohibited. The Court can not give privilege, or Benefit to the respondent free will Express Waiver of Admission defense.

(c) The Maryland court, appellate court err gave illegal privilege, barred benefit, to remove legal free will express waiver authority (over whole case The petitioner reliance trust is in the courts, knowledge, skill, duty to the peoples trust, to support and uphold constitutional due process, and equal protectiton of all rational ligimate law. The respondent express waiver to the best of the court ability.

(d) Resting on sham affidavit of aug-25-05 stating-(are true and correct to the best of my knowledge). Law demand affidavit of personal knowledge and competent to testify as true. As per due process, and equal protection strict scrutiny question test.

(e) Question, on and before jan-15-04 filing of the respondent legal express waiver of admission, was attorney T.L. Frederick a rule 5 legal admission to the supreme court bar.? As the attorney of record.

(f) The Maryland court of special appeals err, the court unreported opinion rule 8-114 can not over rule constitutional due process and equal protection amend. #5 due process convey the same meaning, by the law of the land (maxims of law safeguard of the protection of individual petitioner rights to be heard.)

Amend. #14 under the law of the land rational basis test of strict scrutiny (maxims of law safeguard of equal protection) as required in all equal protection cases. Demands courts must honor the law

(8) The Maryland court of appeal err deprived the petitioner under amend.#1 redress of grievances of the respondents court finalizing the express waiver of admission, as a legal admission defense as per standard principle of constitutional law authority requirements in the petitioner favor and given relief.

(9) The Maryland court of appeal err deprived the petitioner of amend #5due process fair hearing requested to resolved any and all questions of law and all elements to this case forever.

(10) Amend. #1 Court err deprived petitioner of constitutional right of redress and grievances of the courts err to this meritorious defense or equitable circumstances and cost of this appeal of unfair prejudice, to this miscarriage of justice.

(11) Amend. #4 Court err deprived petitioner of the right to be secure in its persons, houses, papers and against unreasonable searches and seizures shall not be violated. Unconstitutional Crime Stole Home.?

(12) Amend #5 Court err deprived of good life in good retirement, liberty, property, without due process of law safeguard of the protection of individual rights as those maxims prescribe as per case to which the above question belongs (intrinsic fraud foreclosure).

(13) Amend #7 Court err deprived the petitioner the right to confront the respondent and its lack of evidence IN A TRIAL BY JURY, shall be preserved.

(14) Amend. #8 Court many err, with extreme unfair prejudice, and retaliation of this miscarriage of justice from 1996 to date original (intrinsic fraud) foreclosure without the respondent placing any relevant admissible evidence before the court to confirm any false charge against the petitioner and the cost of this fraud action is cruel and unusual punishment inflicted own the petitioner person, property, family and sustain by court err. AND GUILTY RESPONDENT GO FREE.

(15)Amend. #14 Court err deprived the petitioner of the right of due process, and equal protection (compelling authority on all laws state and federal, embodies guarantees of equal protection, applied not only to the procedural enforcement of the laws but also to substantive contents of their provisions) as law.

(a) Nor shall ANY STATE---deprived---ANY PERSON of life, liberty, or property, without due process of law. Nor DENY ---to--- ANY PERSON WITH IN ITS JURISDICTION, THE EQUAL PROTECTION OF THE LAWS. compelling reasons.

(16) The Supreme Court, as the jurisdictional court of the land. Must finalize the respondent own free will express waiver of admission of guilty (plea), defense, and finds the respondent guilty as charged, giving constitutional relief to the petitioner.

(a) Or remand said case back to the Maryland jurisdictional appellate court to finalize the respondent legal express waiver of admission of a guilty (plea), estoppel-(bar) standard principle of constitutional law due process and equal protection authority law of the land COMPELLING REASONS.

(17) Court err placed a much greater burden of proof, on the petitioner than constitutional due process and equal protection will allow. The court err placed absolutely no legal burden of proof on the respondents sham motion to dismiss a good appeal, and remove the respondent free will express waiver of admission defense. To relitigate OLD resolved unreported opinion.

(18) Court of Appeals err, to hear and protect the known innocent petitioners request for a fair hearing rights, to honor the respondent free will express waiver of admission is not in the peoples constitutional best interest.--- QUESTION Why this crime by the respondent is not in the peoples interest Amend #1- 4 - 5 -7- 8 – 14 due process and equal protection. QUESTION Why is the respondent above the law.?

(19) Constitutional law guaranteed Due Process and Equal Protection always.! Respondent should not go free. People Request to Court. Innocent Petitioner, should NOT made, to pay for the guilty respondents crime against the peoples guaranteed law of the land. Courts must honor the LAW of the land and its rational strict scrutiny test for justice for ALL.

LIST OF PARTIES

[ ] All parties do not appear in the caption of the case on cover page. A list of all parties to the proceeding in the court whose judgment is subject of this petition is as follows.

RESPONDENT

BANK OF AMERICA F.S.B.

Tessa Laspia Frederick, ESQ.
Miles&Stockbridge P.D.
10 Light Street
Baltimore, MD 20202

Ph# (410) 727-6464

Bank America Mort. FSB Supreme Court attorney of records case# 03-886 jan-15-04 signing of the respondents express waiver of admission defense.

Edward Hutchinson Robbins, Jr
Miles& Stockbridge P.D. #10 light street Baltimore MD. 21202-- ph# (410) 727-6464

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JURISDICTION

[✓] For cases from state courts Maryland Court of Appeal- -12-may-06 ----------

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED. AMEND #1,-4,-5,-6,-7,-8,-9,-14 (in conflict with court decision per rule 2-535(b) court irregularities and due process and equal protection. Rational strict scrutiny express waiver ERR

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Appendix-I- petitioners notice of appeal 06/27/05.
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Appendix-K- respondent (motion) sham affidavit an illegal place for sham allege evidence to rest.
Appendix-L- court of special appeals mandate
Appendix-M-circuit clerk of the court, R.E. Pugh letter of missing records to both parties attention.
Appendix-N- circuit court docket entry, to court of special appeals sep.20-05.

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(10) - CASE LAW – Admission to sufficient facts Also cause submission to a finding, means an admission to facts sufficient to warrant a finding of guilty. Com v.Duquette, 386-Mass. 834,438 N.E. 2d 334, 338.

(23) – CASE LAW- The words due process of law where undoubtedly intended to convey the same meaning as the words, by the law of the land in Magna Charta" # Murray's, Lessee v.Hoboken Land & Imporvement C 59 U.S. (18 How). 272, 276 (1856) (Curtis, J.).

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(13) – CASE LAW – The Maryland Court of Appeal, has held in the other issues and equal protection, the constitutional and the decision of the U.S. Supreme Court on the 14th Amendment are practically direct authority – Maryland Lawyers individual civil rights, C7w. Balt. L. rev. 249 (1978)

(5/25)- CASE LAW- As in all equal protection cases, the crucial question is whether there is an appropriate governmental interest suitably futhered by the differential treatment" Police DEPT. v. Mosley, 408 U.S. 92.95.92. S C.t. 2286. 2290 (1972).

(6) - CASE LAW – The equal protection principle is exclusively associated with written constitutions and embodies guarantees of equal treatment normally nor only to the procedural enforcement of law, but also to substantive contents of their provisions. In Other words, the equal protection of the law is invariably treatment as a substantive constitutional principle which demands that laws will only be legitimate if they can be described as just an equal- Polyvios G. Polyvious, The Equal Protection of the Laws 4(1980).

(24)- CASE LAW – Due process of law in each particular case means, such and exertion of the powers of government that settle maxims of laws sanction, and under such safeguards for the protection of individual rights as those maxims prescribe for the class of cases to which the one in question belongs.- Thomas M. Cooley, A treatise on the constitutional limitations 356 (1868).

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IN THE SUPREME COURT OF THE UNITED STATES. PETITION FOR WRIT OF CERTIORARI.

Petitioner respectfully pray for justice that a writ of certiorari be issued to review the judgment below

OPINION BELOW

[√] For cases from state courts: opinion of the court of special appeals Maryland.----Order to waiver (bar)

The opinion of the highest state court to review merits appeal at appendix A to the petition and is page (1-8) Relitigate unreported case resolved by waiver

[ ] Reported at----------: or

[ ] Has been designated for publication but is not yet reported or

[√] Is unpublished Maryland rule 8-114,(old original) unreported opinion 1351 Sep. term 2002 err, re-litigated

JURISDICTION

[✓] For cases from state courts: Maryland court of appeals.

[✓] A timely petition for rehearing was therefore denied on the following date—May- 12-06—and a copy of the order denying rehearing appear at appendix-- F

The jurisdiction of this court is invoked under 28 U.S.C. $ 1257(a)

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

CONSTITUTIONAL AUTHORITY MARYLAND

Article 23 ---jury in a civil proceeding (deprived—
Article 24 —due process (deprived)

U.S CONSTITUTIONAL AUTHORITY

article (1) section 10 punishment without due process-- Respondent Express Waiver Admission.
Article (1) section -9 court can not take away right of protection (express waiver) (bar) authority------(2)
Article (3) petitioners jurisdiction authority---------(3)
Article (4) section 2 state constitutional duties ---(1-2)
Article (6) Supreme court law of the land.-(5-6-7) (10)

CONSTITUTIONAL BILL OF RIGHT GUARANTEES DUE PROCESS AND EQUAL PROTECTION STRICT SCRUTINY FOR JUSTICE.

Amend. #1—Deprived of redress of grievances (express waiver) authority protection----------(10)
Amend. #4—Deprived of security of person houses papers unreasonable searches and seizures shall not be violated sustain (intrinsic fraud foreclosure) by forgery

CONSTITUTIONAL BILL OF RIGHTS GUARANTEES DUE PROCESS AND EQUAL PROTECTION STRICT SCRUTINY FOR JUSTICE

Amend. #5 Due Process, deprived of good life, liberty, property without due process of law, (express waiver) of admission defense authority----------(1-28)
Amend. #6 Deprived Due Proces' in a civil action, confront witnesses, assistance of counsel.----------(10)
Amend. #7 Deprived Due Process, and Equal Protection, of preserved trial by jury.----------(10-28)
Amend. #8 Court irregularity err to respondents bad faith, court injustice miscarriage of justice, cost, stress and duress of a known innocent party, is cruel and unusual punishment inflicted.---------- (1-28)
Amend. #14 Deprived as a subject to the courts of Maryland jurisdiction. Deprived as a (known innocent) person of its good life, liberty, property without due process of law as guaranteed. Deprived as a person with in its jurisdiction the Equal Protection of its laws, (Express Waiver) of Admission defense authority rational strict scrutiny test).----------(10-28)

Amend. #14 Deprived as a subject of the U.S. and Supreme Court jurisdiction Equal Rights, to the protection of the respondents express waiver of admission defense authority, if justice is blind .--(1-28)
Amend. #14 Deprived as an innocent person of good life, liberty, property without due process of law.--(10)
Amend. #14 Deprived as an innocent person with in its jurisdiction, the equal protection of all laws, (finalizing) express waiver of admission defense as per rational strict scrutiny test to rest the case.------(10-28)

STATEMENT OF THE CASE

The nature of this supreme court review, is question of constitutional law. The constitutional bill of rights guarantees to all citizens, and people with in the jurisdiction, of a legal jurisdictional courts. The mandatory, legal, legitimate, due process and equal protection of all laws used, to administrate justice can be described as just and equal, at all times.

The American people, mandatory due process and equal protection must always be sustain with in the clear requirements standards of the rational basis test, of strict scrutiny as required for all equal protection question of constitutional law, authority over all laws and their use both state, federal, and constitutional equal protection. meritorious defense one party appeal

The circuit court of Maryland, the circuit appellate court of Maryland, deviation from this test of strict scrutiny as required by law. The courts in emotional err used the process in reverse, of the standard requirements, of due process and equal protection.

The courts can not meet the standard as required by law. The courts defective, emotional err is clearly reversible err, that can not rest on due process and equal protection as per constitutional requirement strict scrutiny. Court can only rule on evidence before Court-

(A)POINT OF CONSTITUTIONAL LAW. When the supreme court, or any jurisdictional appellate court, or any jurisdictional lower court deviate, abandon, or use the process in reverse. They with knowledge let the constitutional guaranteed laws, by this err be twisted out of its standard requirements.

The courts let technicality, over rule constitutional due process and equal protection truth of

law, which protects all of the people, all of the time. When any court (unfair prejudice) in err, sustain its err, the people, the constitution lose its legitimate power, its authority to fairly administrate (justice) equal justice in any and all action, in all parts of its jurisdiction, COURT MUST HONOR THE LAW.

We the people only have to remember, and review our recent pass, to confirm, and corroborate this fact of lack of equal constitutional protection by all laws to all people. Equal justice under the laws to all (Woman and Men, Races of all People alike). The nation suffer from this unfair prejudice to date.

(B) POINT OF CONATITUTIONAL LAW.

Where there is one person to be protected with in the authority of constitutional guaranteed bill of rights of law, without prejudice, the one person is a majority of one. When the many unfair prejudice, unconstitutional action is outside of constitutional protected law, and from the many act of prejudice, it takes away the constitutional guaranteed protection rights of the innocent one. ONE PARTY APPEAL.- (APPX -N)

The people (home property owners) will suffer the lost. Because the court defective action will change the truth of power, authority, as guaranteed in the bill of rights constitutional authority, requirements to administrate equal protection for justice for all. Under the law forever if not corrected.

The respondent did file of its own free will a legal express waiver of admission of guilty (plea), estoppel-(bar) principle constitutional law authority, excepted by the supreme court jan.-15-04 into law.--- NOTE Our people are dying each day in FOREIGN lands to confirm and corroborate this court injustice as fact.

(C) The respondents, clear and convincing evidence, well documented in the U.S. Supreme Court case# 03-886, its legal express waiver of admission of guilty (plea), estoppel-(bar), authority, to all merits of evidence, in fact, to all elements of the case, to all court err (unreported opinion) lack of law, authority and fact to case# cal-99-15740, is legally resolved in the petitioners favor, by the respondent express waiver of admission, of guilty (plea), estoppel-(bar), standard principle of constitutional law authority.— (APPX. -G)

The jurisdictional courts are bound, and must recognize this authority over the whole case and finalize the admission defense as per constitutional law, amend. #14 due process and equal protection standard requirements of strict scrutiny test.

(D) The Supreme Court did not hear, finalize, or remand back to the lower court for constitutional resolution of the undisputed resolved case, resting on the respondent own free will legal express waiver of admission of a guilty (plea), as law principle of constitutional law authority .?

(a) The petitioner requested a supreme court rehearing. NOTE The respondent honored its express waiver of admission of guilty (plea), estoppel-(bar) authority. Did not participate in rehearing.?

(b) The petitioner under constitutional protection of amend #1 right of redress to be fairly heard of the new express waiver evidence of admission grievances, and court err to rule 2-535(b) irregularities (to be raised any time) by law, now confirm and corroborated as err. The petitioner raised the question in the Maryland circuit court, Amend #5 due process and equal protection Amendment #14 — — — —(APPX. -H)

THE COURTS NOW KNOW THE PETITIONER INNOCENT, WILL NOT CORRECT COURT ERR

(c) LET THE RECORD SHOW CLEARLY. The INNOCENT (pro se) petitioner and the guilty respondents (circuit court only) attorney T.L. Frederick sat in the original circuit court defective hearing, and watch the said court on jul. 26-02 administrate constitutional fair due process and equal protection justice, to a few defendants, who of their own free will (knew their RISK) filed an express waiver of admission of guilty (plea) estoppel-(bar), standard principle of constitutional law authority that resolved the whole case in the none filing party favor.

Why is the court retaliation on this force one party appeal of cruel and unusual punishment on this petitioner.? when the court has in the past honored so many defendants express waiver of admission defense authority, as per law, to a finding on the admission party finalize as guilty.? respondent should not go free

(d) The circuit court denied the petitioners motion and gave privilege, and benefit to the respondents free will.bar.The respondent did not participate.? The petitioner file for rehearing, the respondent did not participate. The petitioner appeal, to the court of special appeals. The respondent filed its sham motion.

The Maryland court compelling, defective state interest, reverse due process, and equal protection errs impose a much greater burden, a much greater demand and liability on the petitioner than standard constitutional due process and equal protection requirement will allow. to set guilty fre[illegible] (APPX A-B)

CASE LAW—As in all equal protection cases, the crucial question is whether there is an appropriate governmental interest suitably furthered by the differential treatment." Police Dept.v. Mosley, 408 U.S. 92, 95, 92 S. C. t. 2286, 2290 (1972).

Guilty (plea), which carried an estoppel- (bar) against the respondent and court action here of (equal protection) amendment #14.? STRICT SCRUTINY

NOTE Constitutional amendment #14 states clearly. All persons born are naturalized in the U.S. and subject to the jurisdiction there of, nor shall any state deprive any person of life, liberty, or property, without due process of law. (NOTE This case was not a trial by jury as requested), --- (Was not a trial of facts, evidence). Ever.? - - - - - - - -(APPX-H-C-D)

The record show this case was a defective summary judgment to rule 2-501 (that clearly took away the petitioners right of trial by jury.) This court err all was resolved by the respondents, own free will express waiver of admission (plea), as now due process in the (pro se) petitioner favor. Rights guaranteed (APPX-H)

All of which the respondents filed this, fraud on the court, with knowledge, motive, intent is to remove this express waiver favor to the petitioner. BY FILING THIS SHAM MOTION, against the respondents legal bar, in the respondent express waiver of admission, and to (bar) any courts benefit action to this end.

Which honor amend. #14 equal protection, of this standard principle of constitutional law authority.? Over the Express waiver use as law.? --------- NOTE Constitutional amend # 14 also state—nor deny to any person within its jurisdiction, the equal protection of

the LAWS.? DEMANDS COURTS MUST HONOR

NOTE The petitioner placed before this Maryland circuit jurisdictional court a meritorious defense requesting, constitutional justice, resting on the express waiver of admission (plea), of guilty (BAR) , authority, which all courts have unconstitutionally denied to this END.? THE LAW!

Using technicality, and court err, to over rule constitutional standards principle of law, for this injustice under the respondents legal Express Waiver Admission law Authority.?

CASE LAW. The equal protection principle is exclusively associated with written constitutions and embodies guarantees of equal treatment normally nor only to the procedural enforcement of laws, but also to the substantive contents of their provisions. IN Other words, the equal protection of the laws is INVARIABLY TREATMENT as a substantive constitutional principle which demands that laws will only by legitimate if they can be described as just and equal.--- Polyvios G. Polyvious, The Equal Protection of the Laws 4 (1980).

NOTE The respondent sham motion action, to remove its express waiver of admission, as a question of law, under constitutional law, due process and equal protection has no case. The court of special appeals irregularity err, sustains the respondents (no legal case), and illegally (remove the respondents legal free will, express waiver of admission of guilty (plea), estoppel-(bar) standard principle of constitutional law authority),as law? Court has no legal case.-

NOTE The court of special appeals on this irregularity err which abandon constitutional law, denied the petitioner good appeal on sep.15-05 case #905 sep. term 2005 on Maryland rule 8-602- (a) – (1). Which is not the same as the respondents sham motion requested governing rule -8-431(a) defective authority.

NOTE This court order in err, was not a final order. In court irregularity err, this court, privilege, benefit, initiative, is prohibited, and is (barred) in any way, to be used in the standard principle of the respondents own free will express waiver of admission of guilty (plea), estoppel- (bar) constitutional law authority over the case.– (APPX.-A)

NOTE The petitioner filed for reconsideration, case#00905, sep. term, 2005,- denied. NOTE The petitioner filed also a reconsideration motion, supplemental evidence clearly showing all supreme court documents, timely sent to the petitioner, and the petitioner timely, sending all documents to attorney Frederick, (APPX-E-F)– mail.– – (G-H-I-J-K-M-N-)

NOTE (because attorney Frederick, and the respondent was action in bad faith), ON THIS SHAM MOTION and in other ways, against the petitioners equal protection of amend. #1 redress grievances appeal rights. To be fairly heard. The court DID NOT honor the petitioners documented evidence which was legally before the court . for review on truth.

NOTE The petitioners motion was denied, and this denied court action is a defective -------(final order).? Resting on court err irregularity, to not honor the respondents own free will express waiver of admission, in evidence to all courts as a matter of constitutional principle of law.? – – – (APPX-B)

(But the court would honor the respondent, fraud on the court, and its attorney Frederick, sham motion, resting on allege facts, lack of clear and convincing evidence. Resting on the attorney Fredericks clear sham affidavit stating (PAPERS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE).

NOTE The constitutional standard principle of law rule 2-501 requires a legal affidavit to resolve the whole case, must state clearly, the person is over 18 years of age, and on personal knowledge competent to testify in any court that the contents of the affidavit statement of record is true. meritorious defense ---

THIS IS CLEARLY REVERSIBLE ERR

NOTE The respondent DID NOT, participate in any of the petitioners motion.?? --(A) The petitioner filed a notice of appeal to the circuit court of appeals Maryland from the court special of appeals Maryland final defective order.?-(APPX. E)--NOTE The petitioner filed a notice of appeal in the court of appeals PETITION DOCKET # 450 sep. term 2005. --

Hearing requested on the constitutional questions the petitioners guaranteed rights of ---(A) Amend #1 redress of grievances.? ---(B) Amend. #5 due process right to properly, timely heard .? (C) Amend. #14 right of due process, and equal protection to all laws by all courts, all of the time.?--- (D) The right of equal protection as per the respondents own free will, express waiver of admission of guilty (plea), estoppel (bar) standard principle of constitutional law authority over the whole case. - - - - - - - (APPX G-M-N)

..... All elements resolved in the petitioners favor. The respondent filing party had full legal knowledge of All RISK on and before jan.15-04 filing date in the U.S.

Supreme Court as law.? But did not respond, under the legal authority, of its supreme court (bar) attorney Edward H. Robbins Jr. attorney of record. Which did Honored its express waiver admission authority.

NOTE. Truth of fact the respondent and court knew, should have known had reason to know in good faith the respondent express waiver carried an estoppel- bar authority. Court of appeals denied motion feb-10-06.- - - - - - - - -(APPX. -E)

NOTE Legal Estoppel-(bar) to this respondent express waiver admission authority is--- Estoppel – (bar) ---#1- is a bar that prevents one (the respondent) from asserting a claim or right that contradicts what one (the respondent) has said or done (before or what has been legally established as true.

...Hearing request would resolved this question The respondent free will express waiver of admission, confirm and corroborates the petitioner record, the petitioner requesting hearing would have resolved this question of law in evidence) as law.--- #2- An express waiver bar that prevents the relitigation by the respondent of the issuses to all elements which has been resolved

...#3- An affirmative defense alleging good faith RELIANCE on a misleading representation and an injury or detrimental change, (as this respondents sham motion and court irregularity err to same confirm) its position resulting from, (the petitioners, constitutional guaranteed rights in err, by this court taken away said rights), that reliance on this express waiver of admission (plea), that no court to date has honored the question of law, authority over this case as guaranteed by amend. #14 due process and equal protection.

NOTE The court of appeals would not honor the clear and convincing evidence in the case.-- Would not honor the respondent of free will express waiver of admission of guilty (plea), estoppel-(bar) standard principle of constitutional law authority over the whole case RATIONAL STRICT SCRUTINY TEST.

Would not honor finalizing the respondent express waiver of admission of guilty (plea),--- would not honor constitutional due process and equal protection of the petitioners right of appeal, right of a fair hearing, right to be heard. Would not honor finding the petitioner guilty by admission.--- Would not honor the petitioner request for a fair, legal, constitutional timely hearing to resolved the question of constitutional law authority over the case, in which the case now rest. Deprived express waiver justice,

The court of appeals denied the petitioners reconsideration supplemental motion hearing requested, and reconsideration motion hearing requested AS A FINAL DEFECTIVE ORDER IN ERR.?. As per constitutional law.? -12-may-06

BUT IN CLEAR CONFLICT with the respondent express waiver of admissio , defense (plea), estoppel-(bar). As it rest on the constitutional guaranteed amendments law of the land authority to be honored by all court, (amend #1, amend #4, amend. #5 amend. #6 amend. #7 amend.#8 amend. #14. due process, and equal protection under all legitimate law(APPX. -F)

CASE LAW- Admission to sufficient facts. Also called submission to a finding, means an admission to fact sufficient to warrant a finding of guilty. Com V. Duquette, 386 Mass. 834, 438 N.E. 2d 334, 338.

{Court must preserve constitutional law as law APPX-G}

REASON GRANTING FOR REVIEW

Constitutional due process and Equal Protection

The guilty respondent did file, of its own free will, with knowledge, motive, intent, of its full and complete RISK, its original (intrinsic fraud) by forgery of payments, to create a fraud foreclosure, and blame the innocent petitioner.? To evade the constitutional law, the peoples constitutional punishment under the law, and keep the homes, over $80,000 in profit.?

The respondent of its own free will, knew, should have known , had good reasons to know, its crime full complete detail RISK,(to its original (intrinsic fraud), by forgery of payments, to create a fraud foreclosure). By this express waiver would now favor the innocent petitioner evidence and truth. Under the advise of Supreme Court (bar) Counsel, did file on jan-15-04 case # 03 -886 its legal express waiver of admission of guilty (plea). Defense in the U.S. Supreme Court. COURT MUST HONOR THE LAW

The respondent would give up all rights of appeal. All rights to dispute, attack, dislodge, or remove the express waiver of admission of guilty (plea) estoppel-(bar). By the authority (bar) of the express waiver, the respondent would not have to lie again to the supreme court, or any other court. All courts has a legal case

NOTE The respondent prayed on court emotions, and court err, had filed in the lower court a defective (rea judicate) affirmative defense (plea) to the respondent (intrinsic fraud foreclosure) with full knowledge, the defense was defective. The respondents attorney, with full knowledge of its RISK (before that time) had filed in the U.S. Supreme Court apr.12-02 case# 01-1391 of its own free will, all courts lack of legal jurisdiction (EXTRINSIC FRAUD) over

the case (ITS Affirmative Defense), BY its legal express waiver of admission of guilty (plea), estoppel-(bar) standard principle of constitutional law authority in which its case now rest. That confirmed, and corroborated the attorneys (extrinsic fraud) of a jurisdictional matter, all court lack legal jurisdiction over said case. COURT HAS A GOOD CASE

NOTE. Constitutional standard requirements, principle of law authority. The reversible err is clear, NO fair court should judicate the bank respondents original (intrinsic fraud foreclosure) but as a separate case# 03-886 resting on the bank respondent express waiver of admission of guilty (plea), jan-15-04 authority U.S. Supreme Court review.---- BUT AS A SEPARATE CASE, WITH EMOTIONAL INJUSTICE ----REVERSIBLE ERR one party appeal

The banks—Attorney trustee respondent (extrinsic fraud) separate case all court lack legal jurisdiction over the case#01-1391 (aug.-20-97 to date). Now resting on the respondent express waiver of admission apr.-12-02 U.S. Supreme Court constitutional standard principle of law authority.? Court must honor the law.

DOUBLE STANDARD.

The courts many errs are in conflict with in Maryland own circuit court jurisdiction standard requirements of facts, evidence, rules, laws, and constitutional guaranteed laws of due process and equal protection amendment #24 Court must honor the law.

(A) NOTE The Maryland circuit court err is in conflict with, Maryland own standards, requirements, authority, and other jurisdiction authority over the respondents (same) express waiver of admission of guilty (plea), estoppel-(bar)- standard principleLAW

COURT MUST HONOR THE LAW

LAW– –Admission to sufficient facts. Also called submission to a finding, means an admission to fact sufficient to warrant a finding of guilty.

Maryland circuit court, and appellate court err, is a DOUBLE STANDARD, in this case that is out of controll with unfair prejudice to the (pro se) petitioner defense of its life ,liberty, property, as defined in Amend. #5 due process and amend. #14 due process and equal protection by all courts, all states, all federal legitimate constitutional law.TO ONE PARTY APPEAL.

The Maryland court of appeals, has held in the in other issues of due process and equal protection, the constitution and the decision of the U.S. Supreme Court on the 14th amendment are practically direct authorities. meritorious defense; REVERSIBLE ERR

CASE LAW Maryland lawyers individual civil rights, C7W. Balt. L. rev. 249 (1978).

COURTS MUST HONOR CONSTITUTIONAL LAW

This unconstitutional court action, and the respondents bad faith foreclosure, resting on the respondents legal express waiver of admission has cost the 70 year old petitioner, (from 1996- to date) and his family their life savings, deprived of a good life retirement, liberty, and property without due process of law and equal protection to all courts jurisdictions laws. The courts many errs, making this an obstacle race, of a suicide mission for the (pro se) petitioners equal protection, guarantees of damed if you defend, and request protection as per law, and damed if you don't.? The innocent petitioner lose its legal property, and the guilty respondent go free, under court err Loses its top level security clearances, that reach the presidents desk. Lose its credit rating, by court known

illegal privilege and benefit to the express waiver of admission of guilty (plea), guilty should not go free.

The petitioner in order to sustain any reasonable life to defend its constitutional guaranteed rights, had to placed its Florida home in harms way, at a risk of $125,000 at 15.25 per % interest, from the impact of the guilty respondents crime to date.

The petitioner was forced by the respondents bad faith impact to except this loan of $ 1,605.57 a month payment, interest only.?--- NOTE when this case came to the supreme court authority, for the first time, the lender ran for cover, and change the loan to now reflect interest and principle. At $1,605.57 a month. (court must honor constitutional express waiver, as constitutional standard principle of law).

NOTE The petitioner lost the home value of $ 230,000 . to this crime, sustain by court err. Lost the rental agreement to buy the home for $ 229,500. lost the rental income of $ 1,500. a month + up keep. Lost the second mortgage of less than $ 100,000, to be payed from the sale of the home.? Lost all cost of defense , and cost of appeal process. Lost of now having two illegal foreclosures on the same property, first and second Mort. Lost of credit from these fraud foreclosure. (court must honor constitutional law).

All because of the respondents bad faith (intrinsic fraud foreclosure) and the court emotional err to sustain said fraud out side of constitutional law, due process and equal protection as required by law. Which clearly Make the respondent bank America appear to be above the law. Damage the people trust in the legal process, and scare the people to death, because the peoples constitutional protection is where

the people good life protection rest. All court must honor this protection.? rational strict scrutiny ERR

POINT OF LAW.— With all due respect. WHY,? FORMAL PRESIDENT OF THE UNTIED STATES WILLIAM J. CLINTON, WITH ALL HIS POWER. (And Martha Steward) WITH ALL HER MONEY AND TV RIGHTS, DID NOT USE THIS EXPRESS WAIVER OF ADMISSION, AS A SHAM DEFENSE. As bank of America the respondent is doing in this case. TO EVADE CONSTITUTIONAL LAW. ON COURT ERR.? The constitutional due process and equal protection in the two name cases, stood its ground, in the people best interest.? The process worked in all fairness to all parties. QUESTION is Bank of America in this case. The respondent above constitutional law.? respondent should not go free

(A) NOTE The Maryland circuit court err is in conflict with, Maryland own standards, requirements, authority, and other jurisdiction authority over the respondents (same) express waiver of admission of guilty (plea), estoppel-(bar)- standard principle of constitutional law requirements of authority to legally resolve the whole case as a matter of law.?

(A) NOTE The Maryland circuit court err is in conflict with, Maryland on standard requirements authority, and other jurisdictions authority over the respondents (same) express waiver of admission constitutional bill of rights guaranteed, amend. #1 redress of grievances, the right to raise this express waiver of admission question before the courts as a question of law.? guaranteed by amend. #14 standard court must honor constitutional law as law of the land

COMPELLING REASONS POINT OF LAW

Where there is one citizen, to be constitutionally protected with in the constitutional bill of rights protection of law. The one citizen is truly a majority of one.? And when the many acting under the color of law, color of authority, to hide a sustain (intrinsic fraud) forgery with unfair extreme prejudice. ERR

That majority is a minority of one acting unconstitutionally, outside of constitutional law. With that prejudice they seek to take away the constitutional guaranteed rights of the innocent one, and the great many innocent home owners, property owners, and would be property owners, that will suffer the great constitutional lost due process and equal protection.

All because the unconstitutional defective act if not corrected (by the rational basis test strict scrutiny) will change the legal constitutional power of authority, guarantees of the constitutional authority to administrate equal protection for justice for all. UNDER THE LAW FOREVER.

Under our constitutional protection, our people our dying in each day in foreign lands to corroborate this fact around the world to this end. The law of the land

(1) NOTE Under our constitutional protection, court ERR, in NOT finalizing the respondents fact admission defenses, is clear and convincing court err NOTE The respondent under constitutional principle of law, filed and original (res judicata) affirmative admission defense (plea), ALSO was not legally finalize by the courts err due process, equal protection.

(a) NOTE The respondent then at the supreme court level, filed a second affirmative defense (plea), of the respondents own free will and express waiver of admission of guilty (plea) of admission.

(b) NOTE The respondent express waiver of admission of a guilty (plea), affirmative defense of legal admission was excepted by the U.S. Supreme Court, but not finalize by said court?

(2) NOTE The Supreme Court, did not FINALIZE OR remand the affirmative, admission, of guilty (plea) DEFENCE back to the lower jurisdictional courts to finalize the case admission of guilty (plea) defense,.? That clearly rest on the constitutional guaranteed--- Amendments #5 due process to be fairly heard as per constitutional law. COMPELLING STANDARD

And Amend.#14 due process and equal protection, under the express waiver of admission of guilty (plea), standard requirements of the principle of constitutional law, that clearly must meet the guaranteed rational basis test that clearly must meet the strict scrutiny requirement standard of due process, and equal protection by this courts many errs, which is such imperative public, home owner, would be home owner, and property COMPELLING interest question of law. Compelling protection.? In due process and equal protection as per constitutional guaranteed COMPELLING law .?

(3) NOTE To clearly show compelling court legal interest (which this case ERRS can not legally show) for the courts deviation from the constitutional guaranteed protection to the peoples good life, liberty, homes and property which is clearly defined a few times in the constitution, because.

COURT MUST HONOR THE LAW.! NOTE

THE FATHERS WANTED TO NAIL DOWN THE GUARANTEE OF THIS PROCESS, and PROTECTION. (THE REDRESS), and in the protecting of the innocent peoples right, and property rights on (both state and federal laws, and constitutional law) is of such importance Amend. #14 guaranteed these words of action, compelling reasons

(NOR SHALL ANY STATE DEPRIVE ANY PERSON OF LIFE, LIBERTY, OR PROPERTY, WITHOUT DUE PROCESS OF LAW, NOR DENY TO ANY PERSON WITH IN ITS JURISDCTION, THE EQUAL PROTECTION OF LAWS (sec. 1)

(a) NOTE When the supreme court, or any jurisdictional appellate court, or any jurisdictional lower circuit court, abandon constitutional guaranteed laws of due process and equal protection to the people, to this unconstitutional ends.? The people suffer the lost.? By this double standard of law

(b) The court action. On constitutional guaranteed laws or in err twisted out of the standard requirement mandatory guaranteed protection, and let TECHNICALITY OVER RULE STANDARD CONSTITUTIONAL LAW OF TRUTH. The people and constitutional lose its trust, its power, its authority to fairly administrate justice under strict scrutiny of equal protection of constitutional law, in any all parts of its constitutional jurisdiction.--- One party appeal

NOTE We the people only have to remember our resent pass to corroborate this lack of constitutional equal protection, and its damage suffered by ALL. (Woman and Men, all races of people alike under the jurisdiction of constitutional law).? Miscarriage of justice.? Court err can not meet strict scrutiny question

COURT MUST HONOR THE LAW.! NOTE SCRICT SCRUTINY GRANTING REVIEW

(c) NOTE (just because the constitutional guarantee is there, and the door is said to be open, it does not mean, you or I can walk thru without our constitutional protection, as defined by law. (PROOF) Our people ARE DYING IN FOREIGN LANDS EACH DAY, TO GIVE TO CITIZENS OUTSIDE OF OUR CONSTITUIONAL JURISDICTION, THE GUARANTEES, AND JUSTICE, THE CIRCUIT COURT OF MARYLAND, ERR CLEARLY DENIED TO THIS (PRO SE) PETITIONERS LEGAL, CONSTITUTIONAL GUARANTEED RIGHTS.? WITHOUT STRICT SCRUNITY. As

(a) The circuit court of Maryland, the appellate of Maryland abandon constitutional law is reversible err. Without ANY RATIONAL STRICT SCRUTINY TO DEPART FROM AMEND #14, Court DID NOT honor respondents express waiver of admission standard principle of constitutional law.

(b) Amend #1--- The courts irregularity is reversible err. Deprived the (pro se) petitioner of legal fair, timely, constitutional redress of case 03-886 grievances, right of appeal, and Maryland rule 2-535(b) right of redress court irregularities of due process of equal protection as a matter of constitutional law. To honor the respondent express waiver of admission, OR set aside defective process.

(c) Amend # 4--- The courts irregularities is reversible err. Deprived the petitioner of legal rights to be secure in his person, in his home, in his house, property, and against unreasonable searches and seizures of his property LOST to the bank of Americas bad faith, (intrinsic fraud) foreclosure.

(d) Amend. # 5--- The court irregularities is reversible err. Deprived the petitioner of the legal rights of good life, liberty, and property, protection, without legal due process of constitutional law to use the legal protection of the authority of the respondent legal express waiver of admission defense as law,

(e) Amend. #7--- The courts irregularity is reversible err. Deprived the petitioner of constitutional right of a fair trial by jury, legally request timely by the petitioner, and lost on the court defective judgment. The constitutional right of trial by jury shall be preserved..?

(f) Amend. #8--- The court irregularities are reversible err. Deprived the petitioner of its right of freedom from retaliation from the courts action or lack there of. From the courts prejudice, unfair prejudice, injustice, miscarriage of justice to this cruel and unusual punishment inflicted by the court retaliation against the petitioners rights from raising these constitutional questions of due process and equal protection over the express waiver of admission as required by law.

(g) Amend. #14--- The court irregularity is reversible err. Deprived the petitioner of its case legal jurisdictional rights of resolution under Maryland law, and forced the cost f this appeal, again and again as the respondent DID NOT participate in all events. Deprived the petitioner of good life, liberty, and property lost to illegal respondent foreclosure, and all damages there from, was without fair legal due process. Relief and denied too the petitioner the right to all laws with in the court legal jurisdiction, the equal protection of its law, denied constitutional law of the

land equal protection under standard rational basis test, strict scrutiny question must answer.

(h) Amend. #14--- The court emotional irregularity err. Can not answer its deviation. As in all equal protection cases must answer crucial question of whether there is an appropriate (court) governmental interest suitably furthered by the (court) differential treatment of the (pro se) petitioners constitutional guaranteed rights to the respondents free will express waiver of admission primary evidence as law, to be finalize in the petitioners favor and the respondent constitutional rights had clear knowledge of its rights given up, and its RISK. respondent should not go free

(I) The court emotional irregularity honored the sham motion of the respondents new attorney Frederick to over rule constitutional standard principle of law authority. Court by giving privilege, benefit, to dispute, relitigation, attack, dislodge and remove the respondents express waiver of admission, under the authority of rule 8-431(a) err can not meet the requirement of law. compelling reasons

(j) The circuit appellate court err rest on the respondents new circuit court attorney Frederick (only) sham motion (to dismiss a good appeal) on the lack of authority of a sham affidavit filed aug.25-05. Stating (papers are true and correct to the best of attorneys Fredericks knowledge.

RULE 2-501 is the authority for legal affidavit to dismiss, or resolve a complete case. The affidavit requirement needed is of personal knowledge and the person can testify to said knowledge in any court

QUESTION On or before jan-15-04 filing of the respondents express waiver in the supreme court by

attorney Edward H. Robbins, Jr.?? was attorney Frederick a member of the supreme court (bar) as so implied in her sham affidavit motion statement, and her sham affidavit lack of authority UNDER THE LAW circuit appellate court err, give privilege, benefit, dispute, attack, dislodge, and remove the express waiver of admission under the authority of rule 8-431(a), to over rule constitutional law.? The court err does not meet the requirements of law. equal protection

(8) The circuit court err rest on the respondents new circuit court (only attorney, Frederick) sham motion, sham affidavit of aug.-25-05, (papers are true and correct to the best of attorney Frederick knowledge)as oppose to the legal affidavit of personal knowledge and can testify to said knowledge in any court. Question. On or before jan-15-04 the filing of the respondents express waiver in the supreme court. by attorney Edward H. Robbins, Jr.--- Was attorney Frederick a Member of the Supreme Court (Bar).?

(9) The Maryland circuit court, appellate court irregularity err is reversible err that impact ALL HOME OWNERS,, AND WOULD BE HOME OWNERS,, ALL PROPERTY, AND WOULD BE PROPERTY OWNER A LIKE.? AND MAKE THE GUILTY RESPONDENTS ABOVE LAW.?

(10) The respondent express waiver of admission of a guilty (plea), will be finalize, as per constitutional standard principle of law, or the court should remand this question of constitutional law case back to the Maryland circuit appellate court to be finalize as per law.? COMPELLING DOUBLE STANDARD

NOTE Dates of evidence facts in the record to defeat the respondents sham motion resting on sham allege evidence resting on attorney Frederick sham affidavit of aug. 25-05. What the respondent, and attorney Frederick knew, should have known, had good reasons to know before filing its SHAM MOTION.

NOTE circuit clerk of the court R. E. Pugh letter of june-28-05 confirm the petitioners legal appeal, and request return exhibits to the appeal section.

NOTE The petitioner had no such evidence from the case file.(attorney Frederick) had knowledge of this fact. NOTE when the records disappeared it did not favor the petitioner express waiver due process, and equal protection authority.

CASE LAW- The words due process of laws were undoubtedly intended to convey the same meaning as the words, by the law of the land in Magna Charta" Murray's, Lessee V. Hoboken land & improvement C, 59 U.S. (18 How) 272, 276 (1856) (Curtis, J.).

NOTE Sep 15-05 The court of special appeals denied, the petitioners good appeal for the respondents Maryland governing rule 8-602 – (a) (1) court initiative. NOTE The respondents sham motion requested governing rule 8-431(a).? to this injustice.

NOTE The clerk of the circuit court, from which the appeal came filed its sep 20-05 records, in the court of special appeals. With copies to the respondent and petitioner that clearly showed the petitioners motion date to set aside judgment as of 4-13-05, and the court docket date first order 5/16/05 -- #174,-- Petitioners motion to court date 5-20-04- # 175-- Court second order of denied reconsideration date 6/9/05- #176--.

Petitioner notice of appeal 6/27/05. Process of appeal by order # 7/25/05

NOTE The circuit court of special appeals denied petitioners reconsideration on oct.24-05 ,after the case file had resurface in due process of equal protection

CASE LAW Due process of law in each particular case means, such an exertion of the powers of government as the settled maxims of law sanction, and under such safeguards for the protection of individual rights as those maxims prescribe for the class of cases to which the one in questions belongs. Thomas M. Cooley, A Treatise on the constitutional limitations 356 (1868).

NOTE Due process and equal protection court err is confirmed. The court has NOT made the required relevant distinction, to the legal purpose for which the respondents benefits, and the petitioners lose due process and equal protection rights and protection of the (bar) of the respondent free will express waiver of admission defense authority, to which the court differential treatment can legally exist strict scrutiny .

DUE PROCESS. The conduct of legal proceedings according to established rules and principles of the protection and enforcement of private rights, including notice and the right to a fair hearing before a tribunal with the power to decide the case due process of law.

The petitioner request for a fair legal hearing is guaranteed by due process clauses of the 5th and 14th amend., exp. If the deprivation of a significant life, liberty, or property interest may occur. The respondent stole the petitioners home under the watchful eyes of the Maryland circuit court errs.

The court extreme unfair prejudice err in todays constitutional purisprudence, equal protection means that the (court err), legislation that discriminates must have a rational basis for doing so. When the court has no rational basis for abandoning constitutional due process and equal protection, the court actions is unconstitutional, unless said court action can with stand strict scrutiny equal protection rational basis test

CASE LAW AS IN ALL EQUAL PROTECTION CASES,--- The crucial question is whether there is and appropriate governmental interest suitably furthered by the differential treatment. Police Dept v. Mosley 408 U.S. 92. 95. 92 S. Ct. 2286., 2290 (1972)

The court extreme unfair prejudice, emotional miscarriage of justice err, in this case can not meet this legal mandatory rational basis test, strict scrutiny to abandon constitutional law, due process and equal protection amend. #5 and amend. #14, as required to preserved amend. #1, amend #4, amend #5, amend. #7, amend #8, amend #14 to all persons as constitutionally guaranteed at all times. reversible err

CONCLUSION

The (pro se) petitioner pray the U.S. Supreme court will review this unconstitutional act, and court err. That clearly put the American people trust in the court to protect their home and property from the banks (respondents) bad faith forgery foreclosure as guaranteed by law at RISK. REVERSLBLE ERR

Supreme Court should correct, or remand this due process equal protection question of law to the respondent express waiver of admission of guilty (plea) estoppel-(bar) standard principle of

Constitutional law authority, to be properly honored, and reviewed by the Maryland Circuit Appellate Court, to a legal finding of the respondent as guilty as charged. There by granting the innocent petitioner relief, as per constitutional law guaranteed due process and equal protection.

The respondent should never go free. (The guilty should not be made free of its crime.) There by sustaining the many court errs as constitutional law authority. There by giving those who would dare to use them against the innocent American peoples trust, again and again. Supreme Court must stand firm, on due process and equal protection, as guaranteed by law. COMPELLING REASONS POINT OF LAW.

Supreme Court must acknowledge the lower courts emotional err. Must honor, respect, protect and preserve constitutional law as guaranteed, as the law of the land forever.

The petitioner request Punitive Damages, with full knowledge this is a recoverable breach of contract (intrinsic fraud foreclosure)--- But do to the respondents bank of America duty, to the trust of the American people, the constitutional process, the courts and the (pro se) petitioners, the deter blame worthy conduct of the respondent is recoverable.

(1) The original (intrinsic fraud foreclosure) rest on the banks forgery rule $-3-407 alteration check# 3890 SEP-1-96 of a legal payment, with clear knowledge, motive, and intent, of banks free will, to create an illegal default by forgery of the petitioners check, and blame the petitioner.?

(2) The bank would hold the forge check for about 37 days to nail down their fraud foreclosure position.

(3) When the petitioner advise the bank of its bad faith , free will fraud foreclosure, the bank now took the payments, the bank was sending bank to the petitioner, and moved the payments up,--- to clearly cover up the fraud to this end.? The bank (intrinsic fraud) intentional infliction of emotional action contamination the legal process to this end.?

(a) POINT. No legal attorney, in its right mind wanted any part of this untimely legal action to this end, (intrinsic fraud foreclosure) all because of the impact of this case#03-886 jan.15-04 resting on the respondents express waiver of admission in the Supreme Court---- illegally (res judicata) to---.?

(b) POINT. As the same case, to the banks attorney trustee respondents (extrinsic fraud of a jurisdictional matter) clearly filed as a separate case, all courts lack legal jurisdiction over case# 01-1391 aug-20-97 to date. Now resting on the supreme court excepted, respondent express waiver of admission filed apr.-12-02.? The bank attach the two cases that are bared by the standard principle of law, to place and get the full emotional impact, and effect from the courts to this end

(c) Requested punitive damages will not violate the respondent constitutional due process rights

(1) The respondent reprehensibility of conduct is clear

(2) The respondent unreasonable relationship between the harm to all is clear.

(3) The respondents actions, an awards and civil penalties authorities??

WHERE FORE I William Smith (pro se) petitioner respectfully request the court finalize the respondents legal express waiver of admission of a guilty (plea), estoppel-(bar) standard principle of constitutional law finding the respondent guilty as charged in the petitioners original complaint to date.

Give relief as per constitutional due process, and equal protection, plus interest, fees, and all cost of this breach of contract (intrinsic fraud foreclosure) suite defense to date

Request punitive damages, respondent extreme reprehensibility of conduct, and unreasonable relationship is way, outside of rational Supreme Court due process violation. equal protection

Maryland Courts by their many errs, or clearly requesting the supreme court finalize the respondent express waiver of admission authority, and resolve the constitutional appeal questions of due process and equal protection under the law of the land.

RESPECTFULLY SUBMITTED

William Smith (pro se) petitioner--- 1001 saddle hill rd. Deland Fl 32720--- ph# 386-943-9269.

AFFIDAVIT

I William Smith (pro se) petitioner, under the penalty of perjury do solemnly swear and affirm on personal knowledge, I am over 18 years of age, I am competent to testify in any court, on all evidence, documents and their contents timely placed before all courts, in this legal appeal process, statements are true.

DATED--------

RESPECTFULLY SUBMITTED

William Smith	IN THE COURT OF
Appellant	SPECIAL APPEALS
VS.	NO. 905
Bank of America	sep. term, 2005
Appellee	

ORDER

This Court has read and considered Appellees Motion to Dismiss appeal and Appellants Response, to the Appellees Fraud on the Court by its defective Fraud Motion to Dismiss. It is therefore, this 15th day of September, 2005 by the Court of Special Appeals,

Ordered that Appellee request that the Appellant be barred from filing any further papers in the circuit court is denied.

Chief Judges Signature Appears on Original Order

/s/

Chief Judge

(APPENDIX-A)

William Smith	IN THE COURT OF
Appellant	SPECIAL APPEALS
VS.	NO. 905
Bank of America	sep. term, 2005
Appellee	

ORDER

By Order dated September 15, 2005, the captioned Appeal was Dismissed. This Court has read and Considered Appellants Reconsideration Motion and Reconsideration Motion Supplemental Evidence for equal protection of Appeal Rights. It is therefore, this 24th day of October, 2005, by the Court of Special Appeals,

ORDERED That Appellants Reconsideration Motion be, and is hereby, Denied.

Chief Judges Signature Appears on Original Order

/s/

Chief Judge

(APPENDIX-B)

Willliam Smith
Plaintiff

In the Circuit Court
For Prince George
County Maryland

V. Case # cal-99-15740

Bank of America Mort.F.S.B.
Defendant

ORDER OF COURT

Upon Consideration of the plaintiffs Motion to set aside summary judgment on court irregularity [sic] authority by rule 2-535(b) for new judgment and the premises therein stated, it is this – 12th – day of May, 2005 by the Circuit Court of Prince Georges County Maryland.

Ordered, That the Motion be, and the same is, hereby denied this matter was previously reviewed by the court of special appeals and affirmed and futher appellate court review by the court of appeals was denied .

/s/
James J. Lombardi, judge

Copies mailed by court to
William Smith--- 1001 Saddle Hill Rd Deland FL. 32720.

Tessa Laspia Frederick, Esquire.—Sean P. Vitrano, Esquire --- Miles & Stockbridge P.D. #10

(APPENDIX C)

Willliam Smith
Plaintiff

In the Circuit Court
For Prince George
County Maryland

V. Case # cal-99-15740

Bank of America Mort.F.S.B.
Defendant

ORDER

Upon consideration of the motion to reconsider this courts May-12-05 order denying plaintiffs Motion to set aside Summary Judgment on irregularities, and any opposition thereto, it is this – 7th- day of June 2005, by the Circuit Court for Prince Georges County, Maryland, it is hereby

ORDERED, that the Defendants Motion to reconsider is hereby denied.

/s/
James J. Lombardi, judge

Copies mailed by court to

William Smith--- 1001 Saddle Hill Rd Deland FL. 32720.

Tessa Laspia Frederick, Esquire.—Sean P. Vitrano, Esquire --- Miles & Stockbridge P.D. #10 Light Street Baltimore MD. 2020 – date 6-7-05 by /s/ J. HAHU.

(APPENDIX-D)

William Smith — In the Court of appeals

V. — Of Maryland

Bank of America Mortgage — Petition Docket No. 450- sep. term, 2005

(No. 905, sep. term., 2005, Court of Special Appeals)

ORDER

Upon Consideration of the petition for a writ of certiorari to the Court of Special Appeals Filed in the above entitled case it is

ORDERED, By the Court of Appeals of Maryland that the petition be, and it is hereby, denied as there has been no showing that review by certiorari is desirable and in the Public interest.

/s/ Robert M. Bell
Chief Judge

Date. FEBRUARY 10, 2006

(APPENDIX -E)

William Smith | In the Court of appeals

V. | Of Maryland

Bank of America Mortgage | Petition Docket No. 450- sep. term, 2005

(No. 905, sep. term., 2005, Court of Special Appeals)

ORDER

The Court Having considered the Motion for Reconsideration and the supplement filed thereto, in the above entitled case, it is

ORDERED, By the Court of Appeals of Maryland, that the Motion for Reconsideration and supplement be, and they are hereby, denied.

/s/ Robert M. Bell
Chief Judge

Date. May 12, 2006

(APPENDIX-F)

WAIVER

SUPREME COURT OF THE UNITED STATES

No. 03-886

William Smith- (petitioner) V. Bank of America Mort. FSB (respondent).

I DO NOT INTEND TO FILE A REASPONCE to the petition for a writ of certiorari unless one is requested by the court.

Please check one of the following boxes

[✓] please enter my appearance as counsel of record for all respondent.

[] There are multiple respondents, and I do not represent all respondents please enter my appearance as counsel for record for the following respondent(s).

Bank America Mort. FSB.

I certify that I am a member of the (bar) of the Supreme Court of the United State. (please explain name change since bar (admission).

Signature---/s/ --- Date--- 1-15-04

(Type or print) Name- Edward Hutchinson Robbins, Jr. [] Mr.[✓] Ms. [] Mrs.[] Miss.—Firm- Miles& Stockbridge P.C.--- Address- #10 light street,- City & State- Baltimore, Maryland—zip- 21002

Ph#(410)-727-6464

SEND A COPY OF THIS FORM TO THE PETITIONERS COUNSEL OR TO THE PETITIONERS IF (PRO SE). PLEASE INDICIATES BELOW THE NAME(S) OF THE RECIPIENT(S) OF COPY OF THIS FORM. NO ADDITIONAL CERTIFICATE OF SERVICE IS REQUIRED.

Cc: William Smith, 1001 saddle hill Rd. Deland, FL. 32720 (pro se)--- Obtain status of case on the

docket. By phone at (202) 479-30 34. Or via the internet at http./www. Supreme Court US. Gov. Have the Supreme Court docket # available.

* Bank America Mortgage, FSB is the only defendant in the case below. Petitioner has added respondents to this appeal from other case

(APPENDIX -G)

Willliam Smith
Plaintiff

In the Circuit Court
For Prince George
County Maryland

V. Case # cal-99-15740

Bank of America Mort.F.S.B.
Defendant

ORDER

Upon Consideration of the Defendant, Bank of America Mortgage, F.S.B.s motion to dismiss and or for summary judgment, any opposition there to, and for good cause shown, it is this #26th day of July 2002, by the Circuit Court for Prince Georges County, Maryland, hereby

Ordered that defendant, Bank America Mortgage F.S.B. s motion to dismiss and or for summary judgment is granted and is hereby

Ordered, that plaintiffs complaint is dismissed with prejudice.

/s/
Judge James J. Lombardi
Circuit Court of Prince Georges County
True Copy Test
/s/
ENTERED 7/30/02

(APPENDIX-H)

NOTICE OF APPEAL

On Appeal- From the Circuit Court Prince George .....County Maryland

NOTE Date 06/27/05

William Smith (pro se) plaintiff by the authority of the defendants- (appellees) express waiver of admission authority, the (pro se) appellant is the only legal party to this defective trial court obstruction err of a meritorious defense, to avoid this costly appeal. Reason for this Review.

Plaintiff- Appellant

V.S case# cal-99-15740

Bank America Mort. F.S.B. Has given- up all legal rights to defend, this case by its own free will express waiver principle of authority to law. (Which all Courts are bound and will recognize). This is absolutely what the trial court would Not, did not, honor!.

[Honorable James J. Lombardi.] Trial Judge.

Express Waiver of Admission, Emotional Response To Rule,- 2-535(b) Revisory Power

Court Defective order of May -12-05. (Upon prejudice Consideration) of Plaintiffs Motion to set aside summary Judgment on Court irregularity authority by rule 2-535(b), (of original order of July -26-02, which all clearly rest on the Appellees free will Express Waiver of Admission of Guilty (plea), Authority, the Motion is hereby denied.--- JUSTICE

Court Defective order of June -7-05.(Upon Rule 2-534 to strike Consideration of Motion to Reconsider this courts May-12-05 Defective Motion order. The Motion there to, is hereby injustice punishing denied authority, by Rule 2-535(b), Rule 2-53, which all clearly now rest on the appellees free will, Express

Waiver of Admission of guilty (plea),, authority. The Motion is hereby denied, by court injustice. Court Initiative Prohibited. The Court was not legally correct, injustice abuse its discretion.

(A) With all courts, full knowledge of the Express Waiver preserved, power, authority of law as per free will confirm. This proof excepted by any competent court, protect the Express Waiver authority case elements, from any reprisal, and,- or- reproach from any legal authority, forever as justice.

Proper Person, (pro se) petitioner William Smith
1001 Saddle Hill, Rd. Deland, FL. 32720
PH# 386-943-9269.

RESPECTFULLY SUBMITTED

(APPENDIX -I)

William Smith, Appellate,

In the court of special appeals

V. No. 00905- Sep. term, 2005

Bank of America mort
Appellee.

Motion to Dismiss Appeal

Appellee, Bank of America Mortgage, (the Bank), by its undersigned attorneys and pursuant to Maryland Rule 8-431 (a) hereby files this Motion for Dismissal of Appeal and states as follows.

INTRODUCTION

This appeal arises from appellant, William Smiths (smith) groundless, persistent and harassing attempts to continue to litigate the same issues over and over again. He appeals to this courts for third time. This time taking an appeal from a circuit court order in a

(APPENDIX -J)

close case, which order do not constitute a final judgment in the case below. Thus, the instant appeal is completely improper and the bank hopes that this court will dismiss this appeal and out this matter to rest forever.

LEGAL STANDARD

Maryland Rule 8-431 governs motions filed in the court of appeals in this state. Under this rule, motion such as this one can be filed with this court and submitted with an affidavit in support of any facts alleged which are not in the records.

(APPENDIX -J)

RESPONDENT SHAM MOTION AFFIDAVIT

I solemnly declare and affirm under the penalties of perjury that the contents of the foregoing papers are true and correct to the best of my knowledge.

DATED. AUG.25-05 BY -- /S/--
TESSA L FREDERICK, Esquire
Miles & Stockbridge P.C.--- #10 light street
Baltimore MD. 21-202 -- ph# (410) 7276464.
Counsel to defendant Bank of America Mortgage

CERTIFICATE OF SEVICE

I HEREBY CERTIFY that on this--- 25 day of August 2005, a copy of the foregoing Motion to Dismiss Appeal was mailed, first class, postage prepaid to William Smith--- 1001 Saddle Hill Rd. ,Deland FL. 32720 PH# 386-943-9269--- (pro se) plaintiff

/s/
Tessa Laspia Frederick

(APPENDIX -K)

Court of Special Appeals Maryland Stamp.

MANDATE

Court of Special Appeals

No. 00905, Sep. term 2005

William Smith VS. Bank America Mortgage, F.S.B.

JUDGMENT. August 24, 2005, Motion to dismiss appeal filed by counsel for the Appellee.

September 6, 2005.— Appellants response to the Appellees fraud on the court by its defective fraud fraud Motion to Dismiss filed--- September 15, 2005.

Appellees Motion to Dismiss is Granted.--- Appeal Dismissed pursuant to to Maryland Rule 8-602 (a) (1).

September 23, 2005--- Appellants Reconsideration Motion filed by William Smith. October 7, 2005--- Appellants Reconsideration Motion Supplemental Evidence for Equal Protection of Appeals rights filed.

October 24, 2005--- Appellants Reconsideration Motion and Reconsideration Motion Supplemental Evidence for Equal protection of appeal rights Denied.

October 24, 2005--- MANDATE issused. From the Circuit Court of Prince Georges County—00 CAL 99-15740. --- STATEMENT OF COSTS---. Appellants Lower Courts — $60.00— Filing Fee for Appellant -- $ 50.00.---STATE OF MARYLAND Sct.

I do hereby Certify that the foregoing is truly taken from the Record proceedings of the said Court of Special Appeals. In testimony whereof, I have hereunto set my hand as Clerk of affixed the seal of the Court of Special APPEALS, THIS Twenty Forth day of October 2005 /s/ Clerk of the Court of Special Appeals.

COSTS SHOWN ON THIS MANDATE ARE TO BE SETTLED BETWEEN COUNSEL AND NOT THROUGH THIS OFFICE .

Seal--scvto bone volvntatis tve coronasti son 1632

ROSALYN E. PUGH – Clerk of the Circuit Court
Prince Georges County Courthouse – (301 952-3318)

Mr. William Smith, 1001 Saddle Hill Rd. Deland Fl. 32720—June 28, 05—Re. William Smith vs. Bank of America Mortgage CAL 99-15740

Dear Mr. Smith,

This is to advise you that this office is in receipt of your notice of appeal and same has been filed as of june-27,-2005.

We should like to remind you that the record in this cause is required to be received by the court of special appeals of Maryland within the time of an in accordance with the provisions established in Maryland rules 8-412 (a) (1) and (2)

If transcript of proceedings is required, please contact the court reporters and order same pursuant to Maryland rule 8-411. If transcript is not required, or when the clerks office receive the transcript from the court reporters the record may be transmitted at an earlier date unless we are otherwise notified.

If exhibits were filed an then returned to counsel at the time of trial, it is the responsibility of counsel of record to return same to the clerks office forthwith – Very truly yours,---- /s/-- Rosalyn E. Pugh, clerk
Seal of the circuit court Prince Georges County Maryland ---# 273

(APPENDIX- M)

NOTE Return exhibits to the appeal section of the clerks office REP/ KLF—cc Tessa Laspia Frederick—to 14735 main street Upper Marlboro Maryland 20772 (1301) 952-3925

(APPENDIX-M)

Circuit Court Docket entry—dated Sep-20-05
Re: Smith vs. Bank of America CAL 99-15740
DATE PRINTED 8/17/05

Docket Date 04/13/05 #173--- motion to set aside summary judgment on court irregularities authorities by rule 2-535(b) for new judgment and exhibits, FD/TLL

05/16/05 #174--- order of court dated 05-12-05, judge Lombardi ordered that the motion be and the same is hereby denied. This matter was previously reviewed by the court of special appeals and affirmed and further appellate review by the court of appeal was denied, FD/MMM — C Mailed by court.

05/20/05 #175--- Motion, trial court order lack legal authority legal evidence as procedural due process to this constitution review of good law attachments FD./MT.

06/27/05 #177- 178--- Notice of appeal, FD/LAD (copy of appeal sent to judge Lombardi) type on monthly report phc given.

06/27/05 #179--- copy of clerks letter, FD/LAD.

07/25/05 #180-181— Order to process on appeal without a phc, filed /LAD

00/00/00 #182--- Transcripts of proceedings for april. 26, 2002, FD/KLF

(APPENDIX- N)